

UNITES STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE SEPTEMBER 11 LITIGATION :  
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NO.: 21MC101(AKH)

**DECLARATION OF CHARLES R. ESKRIDGE III**

1. I am an attorney in good standing and a partner of the law firm of Susman Godfrey L.L.P., which is counsel to Defendant Huntleigh USA Corporation (“Huntleigh”) in the captioned litigation.

2. I submit this Declaration in support of the Motion of Huntleigh USA Corporation to Dismiss Remaining Claims Against It, or in the Alternative, to Stay Action During Pendency of Settlement Appeal.

3. Attached hereto as Exhibit 1 is a true and correct copy of the redacted Confidential Settlement Agreement and Mutual Release of Claims, dated as of February 23, 2010, as previously filed with this Court. The previous redactions remove confidential material, the specifics of which are not pertinent to the present Motion. The complete, unredacted version can be found as an attachment to the Declaration of Desmond T. Barry, Jr., submitted with the Memorandum of Law in Support of the Aviation Defendants’ and the Settling Plaintiffs’ Joint Motion for Orders Approving the Settlement Agreement Among the Aviation Defendants and the Settling Plaintiffs on February 25, 2010.

4. Attached hereto as Exhibit 2 is a true and correct copy of the redacted Declaration of Jonathan J. Ross, dated January 26, 2010, as previously filed with this Court. The previous redactions remove confidential material, the specifics of which are not pertinent to the present

Motion. The complete, unredacted version can be found as submitted with the Memorandum of Law in Support of the Aviation Defendants' and the Settling Plaintiffs' Joint Motion for Orders Approving the Settlement Agreement Among the Aviation Defendants and the Settling Plaintiffs on February 25, 2010.

5. The two remaining property damage lawsuits in which Huntleigh is a defendant are *World Trade Center Properties LLC v. United Airlines, Inc.*, 08 Civ. 3719 (AKH), and *World Trade Center Properties LLC v. American Airlines, Inc.*, 08 Civ. 3722 (AKH). The two remaining wrongful death lawsuits in which Huntleigh is a defendant are *Bavis v. United Airlines, Inc.*, 02 Civ. 7154 (AKH) (the "*Bavis* Action"), and *Mariani v. UAL Corporation*, 01 Civ. 11628 (AKH).<sup>1</sup> Each of these lawsuits seeks only money damages, and each names various other defendants in addition to Huntleigh.

6. Attached hereto as Exhibit 3 is a true and correct copy of the redacted WTCP Memorandum of Law in Opposition to "Joint Motion for Orders Approving the Settlement Agreement Among the Aviation Defendants and the Settling Plaintiffs" and in Support of Cross-Motion for a Preliminary Injunction, as previously filed with this Court on April 16, 2010. The previous redactions remove confidential material, the specifics of which are not pertinent to the present Motion. Plaintiffs in the *Bavis* Action filed no opposition.

7. Attached hereto as Exhibit 4 is a true and correct copy of the transcript of proceedings before this Court on May 27, 2010, which includes objections and arguments stated by WTCP's counsel. Counsel in the *Bavis* Action voiced no objection

8. Attached hereto as Exhibit 5 is a true and correct copy of this Court's Order and Opinion Granting Joint Motion Approving Property Damage Settlements, dated July 1, 2010.

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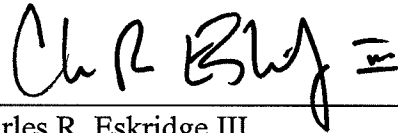
<sup>1</sup> A settlement with respect to Louis Neal Mariani has been reached. Due to disputes with respect to the Mariani estate, that settlement has not yet been finally approved by this Court, although approval papers in that regard are now filed and pending.

9. Attached hereto as Exhibit 6 is a true and correct copy of an Order from the United States Court of Appeals for the Second Circuit, dated October 5, 2010.

10. Attached hereto as Exhibit 7 is a true and correct copy of the transcript of the Status Conference before this Court on October 20, 2010.

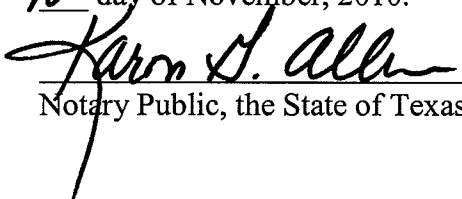
11. Assuming an expedited briefing schedule is enforced by the Second Circuit, briefing in the referenced appeal could perhaps close by January 2011 at the earliest, with argument to follow thereafter. Huntleigh believes it unlikely that such appeal will be resolved on the merits prior to any trial beginning June 13, 2011, as recently set by the Court with respect to the *Bavis* Action.

Pursuant to 28 U.S.C. Section 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I executed this declaration on January 26, 2010, in Houston, Texas.



Charles R. Eskridge III

Subscribed and sworn to before me this  
10<sup>th</sup> day of November, 2010.

  
Notary Public, the State of Texas

